

22 CV 0320-V

Revised 03/06 W.D.N.Y.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.1. CAPTION OF ACTION

**A. Full Name of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, *each* plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Jodi Graesser

-vs-

**B. Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Sharon M. LOVALLO 1 Niagara St Buffalo 14202 ET AL

2. 5.

3. 6.

See attached NOTICE OF LIABILITY OF HARM SUBMITTED W/ THIS DOCUMENT

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUITAll of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: CIVIL RIGHTS STATUTE 42 U.S.C. § 1983

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: PLAINTIFF RESIDES IN ERIE COUNTY, DEFENDANTS LOCATED IN ERIE COUNTY

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Civil Rights Claim

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**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Jodi GRAESSER

Present Address: 109 N. Buffalo St Apt 7 Springville NY 14141

Name of Second Plaintiff: \_\_\_\_\_

Present Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION** NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: SHARON LoVallo

Official Position of Defendant (if relevant): FAMILY COURT JUDGE

Address of Defendant: 1 Niagara Street Buffalo NY 14202

Name of Second Defendant: HOWARD VAN RENSSELAER SR.

Official Position of Defendant (if relevant): CHAIRMAN - LEGISLATIVE DISTRICT 4

Address of Defendant: 161 Cemetery Hill Rd. Randolph, NY 14772

Name of Third Defendant: MARIE CANNON

Official Position of Defendant (if relevant): COMMISSIONER OF DEPT. OF SOCIAL SERVICES

Address of Defendant: RATH Bldg. 95 Franklin St 5TH FLOOR Buffalo NY 14202

SEE AFFIDAVIT OF SERVICE DOCUMENT FOR LIST OF ADDITIONAL DEFENDANTS

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**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

☐Dismissed (check the statement which indicates why it was dismissed):☐By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐

By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐

By court due to your voluntary withdrawal of claim;

☐Judgment upon motion or after trial entered for☐

plaintiff

☐

defendant.

**5. STATEMENT OF CLAIM**

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) Dec 2, 2019,

defendant (give the **name and (if relevant) the position held** of **each defendant** involved in this incident) \_\_\_\_\_

Son taken after ex-parte hearing, CONSTANT VIOLATIONS OF DUE PROCESS OF LAW,  
CONSTANT AND SUDDEN CHANGES OF RESIDENCE OF SPECIAL NEEDS CHILD

SHARON KOHALLO ET AL

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

- ERIE COUNTY CPS/DSS TOOK MY SON WITH NO WRITTEN OR VERBAL WARNING
- KNOCK DOWN ORDER ISSUED ~~REDACTED~~
- FAILURE TO ADVISE WHERE MY SON WAS TAKEN
- JUDGE HOWARD ORDERED MY SON TO BE VACCINATED WITH<sup>OUT</sup> CONSULTING HIS PRIOR RECORDS AND CONTRAVENED 2 MEDICAL EXEMPTIONS SPECIFIED BY MEDICAL DOCTORS
- SUBJECTED MY SON TO PSYCHOLOGICAL, PHYSICAL & EMOTIONAL ABUSE

The federal basis for this claim is: ADA, CIVIL RIGHTS, HUMAN RIGHTS, PARENTAL RIGHTS

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

FACILITATE THE RETURN OF MY SON, THE CESSATION OF ADA & CIVIL RIGHTS VIOLATIONS, AND A REVIEW OF MY SON'S TREATMENT WHILE IN FORCED FOSTER CARE

**B. SECOND CLAIM:** On (date of the incident) \_\_\_\_\_,  
defendant (give the name and (if relevant) position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

The federal basis for this claim is: \_\_\_\_\_

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

**If you have additional claims, use the above format to set them out on additional sheets of paper.**

**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

As stated in claim one possible compensation to son and family for losses.

Post-Ponement of TPR ~~the~~ Trial commencing May 2, 2022 in Erie County.

Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 4/27/22  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

John Druesen

Signature(s) of Plaintiff(s)

**NOTICE OF DEFAULT CERTIFIED  
"JUDGMENT" OF UN-REBUTTED  
AFFIDAVIT**

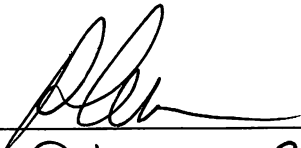
herein Bound / Attached and so named as

NOTICE OF LIABILITY - AFFIDAVIT OF HARM,

I, hereby Certify that on this;

the 27<sup>th</sup> day of APRIL, 2022; on/or after the 22nd day following  
the date of the Bound / Attached "Certified Proof of Service" that was properly served and dated  
the 3<sup>rd</sup> day of MARCH, 2022;

I hereby declare by my Honor and under my Authority as one  
of "we the people" and under the laws of the United States of America in that an affidavit un-  
rebutted in 21 days becomes the judgement.

X 

Print Peter J. Green, 408 Pine Ave #2 Niagara Falls NY  
14301

Post Mailed in BUFFALO ~~NY~~, NY by my hand

Witness \_\_\_\_\_

Witness \_\_\_\_\_